

- 1 ENERGY AND ENVIRONMENT CABINET
- 2 Department for Environmental Protection
- 3 Division for Air Quality
- 4 (Amendment)
- 5 401 KAR 51:001. Definitions for 401 KAR Chapter 51.
- 6 RELATES TO: KRS 48.010(15)(a), 224.01-010, 224.20-100, 224.20-110, 224.20-
- 7 120, 40 C.F.R. Chapter I, Part 50, Appendices A-R, [Appendices A-K,] 51.100(s),
- 8 51.121, 51.165, 51.166, 53, 60, 60 Appendices A and B, 61, 61 Appendix B, 63
- 9 Appendices A to D, 75, 96, 42 U.S.C. 7401-7671q, EO 2009-538
- 10 STATUTORY AUTHORITY: KRS 224.10-100(5), EO 2009-538
- 11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 [KRS 224.10-
- 12 100(5)] authorizes [requires] the cabinet [Environmental and Public Protection Cabinet]
- 13 to promulgate administrative regulations for the prevention, abatement, and control of
- 14 air pollution. EO 2009-538, effective June 12, 2009, establishes the Energy and
- 15 Environment Cabinet. This administrative regulation defines the terms used in 401 KAR
- 16 Chapter 51. The definitions contained in this administrative regulation are neither more
- 17 stringent nor otherwise different than the corresponding federal definitions.
- 18 Section 1. Definitions. (1) "Acid rain emissions limitation" means a limitation on
- 19 emissions of SO₂ or NOx imposed by the Acid Rain Program under 42 U.S.C. 7651 to
- 20 7651o.
- 21 (2) "Actual emissions" means the actual rate of emissions of a regulated NSR

- 1 pollutant from an emissions unit, as determined according to the following:
- 2 (a) Actual emissions as of a particular date equals the average rate, in tons per year,
- 3 at which the unit actually emitted the pollutant during a consecutive twenty-four (24)
- 4 month period, that precedes that date and is representative of normal source operation.
- Use of a different time period is allowed if the cabinet determines that a different
- 6 time period is more representative of normal source operation; and
- 7 2. The unit's actual operating hours, production rates, and types of materials
- 8 processed, stored, or combusted during the selected time period are used to calculate
- 9 actual emissions.
- 10 (b) The cabinet may presume that source-specific allowable emissions for the unit
- are equivalent to the actual emissions of the unit.
- 12 (c) For an emissions unit, that has not begun normal operations on the particular
- date, actual emissions equals the potential to emit of the unit on that date.
- 14 (d) This definition does not include:
- 1. Calculating if a significant emissions increase has occurred; or
- 2. Establishing a PAL under 401 KAR 51:017, Section 23.
- 17 (3) "Actuals PAL" or "PAL" means a plant-wide applicability limit established for a
- major stationary source based on the baseline actual emissions of all emissions units at
- 19 the source that emit or have the potential to emit the PAL pollutant.
- 20 (4) "Adverse impact on visibility" means visibility impairment that interferes with the
- 21 management, protection, preservation, or [preservation or] enjoyment of the visitor's
- 22 visual experience of the Class I area. This determination:
- 23 1. Is to be made on a case-by-case basis:

- 1 2. Considers the geographic extent, intensity, duration, frequency and time of
- 2 visibility impairment and how these factors correlate with the times of visitor use of the
- 3 Class I area; and
- 4 3. Considers the frequency and timing of natural conditions that reduce visibility.
- 5 (5) "Affected facility" means an apparatus, building, operation, road, or other entity
- 6 or series of entities that emits or may emit an air contaminant into the outdoor
- 7 atmosphere.
- 8 (6) "Air contaminant" is defined in KRS 224.01-010(1).
- 9 (7) "Air pollutant" means air contaminant.
- 10 (8) "Air pollution" is defined in KRS 224.01-010(3).
- 11 (9) "Air pollution control equipment" means a mechanism, device, or [device or]
- 12 contrivance used to control or prevent air pollution, that is not, aside from air pollution
- 13 control laws and administrative regulations, vital to production of the normal product of
- 14 the source or to its normal operation.
- 15 (10) "Allocate" or "allocation" means the determination by the cabinet of the number
- of NOx allowances to be credited to a NOx budget unit.
- 17 (11) "Allocation period" means each three (3) year period beginning May 1, 2004.
- 18 (12) "Allowable emissions" means:
- 19 (a) The emissions rate of a stationary source [that is] calculated using the maximum
- 20 rated capacity of the source, unless the source is subject to federally-enforceable limits
- 21 that restrict the operating rate, or hours of operation, or both, and the most stringent of
- 22 the following:
- 23 1. The applicable standards codified in [ef] 40 C.F.R. Parts 60 and 61;

- 2. The applicable SIP emissions limitations, including those with a future compliance
 date; or
- 3 3. The emissions rates specified as a federally-enforceable permit condition,
 4 including those with a future compliance date; or
 - (b) For an actuals PAL, the emissions rate of a stationary source [that is] calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit, and the most stringent provision of paragraph (a)1 to 3 of this subsection.
- 9 (13) "Alteration" means:

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- 10 (a) The installation or replacement of air pollution control equipment at a source; or
- 11 (b) A physical change in or change in the method of operation of an affected facility
 12 that increases the potential to emit a pollutant, to which a standard applies, emitted by
 13 the facility or that results in the emission of an air pollutant, to which a standard applies,
 14 [pollutant (to which a standard applies)] not previously emitted.
 - (14) "Alternative method" means a method of sampling and analyzing for an air pollutant that is not a reference method or equivalent method and has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to produce adequate results for its determination of compliance.
- (15) "Ambient air" means that portion of the atmosphere, external to buildings, towhich the general public has access.
 - (16) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time

- 1 through the application of appropriate preventive or control measures.
- 2 (17) "ANSI" means American National Standards Institute.
- 3 (18) "AOAC" means Association of Official Analytical Chemists.
- 4 (19) "ASTM" means American Society for Testing and Materials.
- 5 (20) "Baseline actual emissions" means the rate of emissions, in tons per year, of a 6 regulated NSR pollutant, that:
- (a) For an existing electric utility steam generating unit (EUSGU), the unit actually emitted during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding the date the owner or operator begins actual construction of the project.
- 1. The rate is an average that:

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- a. Includes fugitive emissions, to the extent quantifiable, and emissions associated
 with startups, shutdowns, and malfunctions;
 - b. Is adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period; and
 - c. Is based on any consecutive twenty-four (24) month period for which there is adequate information for determining annual emissions, in tons per year, and for adjusting this amount as necessary according to clause b of this subparagraph;
- 2. Use of a time period other than the twenty-four (24) month period is allowed, if the cabinet determines that a different time period is more representative of normal source operation; and
- 3. If a project involves multiple emissions units, only one (1) consecutive twenty-four

- 1 (24) month period is used to determine the baseline actual emissions for the emissions
- 2 units being changed with [changed, where] a different consecutive twenty-four (24)
- 3 month period [is] allowed for each regulated NSR pollutant.
- 4 (b) For an existing emissions unit that is not an EUSGU, the unit actually emitted
- 5 during any consecutive twenty-four (24) month period selected by the owner or operator
- 6 within the ten (10) year period beginning on or after November 15, 1990, and
- 7 immediately preceding the earlier of the date the owner or operator begins actual
- 8 construction of the project or the date a complete permit application is received by the
- 9 cabinet for a permit required under 401 KAR 51:017 or [401 KAR] 51:052.
- 10 1. The rate is an average that:
- a. Includes fugitive emissions to the extent quantifiable and emissions associated
- 12 with startups, shutdowns, and malfunctions;
- 13 b. Is adjusted downward:
- 14 (i) To exclude any noncompliant emissions that occurred while the source was
- 15 operating above an emission limitation that was legally enforceable during the
- 16 consecutive twenty-four (24) month period;
- 17 (ii) To exclude any emissions that would have exceeded an emission limitation with
- 18 which the major stationary source is required currently to comply, if the source had been
- 19 required to comply with the limitations during the consecutive twenty-four (24) month
- 20 period; and
- 21 (iii) For an emission limitation that is part of a maximum achievable control
- 22 technology standard proposed or promulgated under 40 C.F.R. Part 63, only if the
- 23 Commonwealth of Kentucky has taken credit for the emissions reductions in an

- 1 attainment demonstration or maintenance plan consistent with 40 C.F.R.
- 2 51.165(a)(3)(ii)(G); and
- 3 c. Is based on any consecutive twenty-four (24) month period for which there is
- 4 adequate information for determining annual emissions, in tons per year, and for
- 5 adjusting this amount as necessary according to clause b of this subparagraph; and
- 6 2. If a project involves multiple emissions units, only one (1) consecutive twenty-four
- 7 (24) month period is used to determine the baseline actual emissions for the emissions
- 8 units being changed with [changed; however,] a different consecutive twenty-four (24)
- 9 month period [is] allowed for each regulated NSR pollutant.
- 10 (c) For a new emissions unit, equals zero for determining the emissions increase
- 11 that will result from the initial construction and operation of the new unit and thereafter,
- 12 for all other purposes, equals the unit's potential to emit.
- 13 (d) For a PAL for a stationary source, is determined as follows:
- 1. For an existing EUSGU, in accordance with the procedures contained in
- 15 paragraph (a) of this subsection;
- 2. For other existing emissions units, in accordance with the procedures contained
- in paragraph (b) of this subsection; and
- 18 3. For a new emissions unit, in accordance with the procedures contained in
- 19 paragraph (c) of this subsection.
- 20 (21) "Baseline area" means an intrastate area, and every part of that area,
- 21 designated as attainment or unclassifiable pursuant to 42 U.S.C. 7407 (d)(1)(A)(ii) or (iii)
- 22 in which the major source or major modification establishing the minor source baseline
- 23 date would construct or would have an air quality impact equal to or greater than one (1)

- μg/m³ annual average of the pollutant for which the minor source baseline date is
 established.
- 3 (a) Area redesignations under 42 U.S.C. 7407 (d)(1)(A)(ii) or (iii) cannot intersect or
- 4 be smaller than the area of impact of a major stationary source or major modification
- 5 that:

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- 1. Establishes a minor source baseline date; or
- 2. Is subject to 401 KAR 51:017 and would be constructed in the Commonwealth ofKentucky.
- 9 (b) A baseline area established originally for total suspended particulate (TSP)
 10 increments remains in effect to determine the amount of available PM₁₀ increments,
 11 unless the cabinet rescinds the corresponding minor source baseline date.
- 12 (22) "Baseline concentration" means the ambient concentration level that exists in 13 the baseline area on the date the applicable minor source baseline date is established.
- (a) A baseline concentration is determined for each pollutant for which a minor
 source baseline date is established and includes:
 - 1. The actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b) of this subsection; and
 - The allowable emissions of major stationary sources that commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.
- (b) The following are not included in the baseline concentration and thus affect the
 maximum applicable allowable increase:
- 23 1. Actual emissions at a major source, that result from construction commencing

- 1 after the major source baseline date; and
- Actual emissions increases and decreases at a stationary source occurring after
- 3 the minor source baseline date.
- 4 (23) "Baseline date" means major source baseline date or minor source baseline
- 5 date and is established for each pollutant for which increments or other equivalent
- 6 measures have been established if the area in which the proposed source or
- 7 modification would construct is designated as attainment or unclassifiable pursuant to
- 8 42 U.S.C. 7407(d)(1)(A)(ii) or (iii) for the pollutant on the date of the source's complete
- 9 application; and
- (a) For a major stationary source, the pollutant would be emitted in significant
- 11 amounts; or
- 12 (b) For a major modification, there would be a significant net emissions increase of
- 13 the pollutant.
- 14 (24) "Begin actual construction" means:
- 15 (a) Initiation of physical on-site construction activities on an emissions unit that are
- 16 of a permanent nature and include installation of building supports and foundations,
- 17 laying underground pipe work, and construction of permanent storage structures.
- (b) For a change in method of operations, those on-site activities other than the
- 19 preparatory activities, that mark the initiation of the change.
- 20 (25) "Best available control technology" or "BACT" means an emissions limitation,
- 21 including a visible emission standard, based on the maximum degree of reduction for
- 22 each regulated NSR pollutant that will be emitted from a proposed major stationary
- 23 source or major modification that:

- 1 (a) Is determined by the cabinet on a case-by-case basis pursuant to 40 C.F.R.
- 2 51.166(b)(12) after taking into account energy, environmental, and economic impacts
- 3 and other costs, to be achievable by the source or modification through application of
- 4 production processes or available methods, systems, and techniques, including fuel
- 5 cleaning or treatment or innovative fuel combustion techniques for control of that
- 6 pollutant;
- 7 (b) Does not result in emissions of a pollutant that would exceed the emissions
- 8 allowed by an applicable standard codified in [ef] 40 C.F.R. Parts 60 and 61; and
- 9 (c) Is satisfied by a design, equipment, work practice, or operational standard or
- 10 combination of standards approved by the cabinet, if:
- The cabinet determines technological or economic limitations on the application
- of measurement methodology to a particular emissions unit would make the imposition
- 13 of an emissions standard infeasible:
- The standard establishes the emissions reduction achievable by implementation
- of the design, equipment, work practice, or [practice or] operation; and
- 3. The standard provides for compliance by means that achieve equivalent results.
- 17 (26) "BOD" means biochemical oxidant demand.
- 18 (27) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to
- 19 produce heat and to transfer heat to recirculating water, steam, or other medium.
- 20 (28) "BTU" means British thermal unit.
- 21 (29) "Building, structure, facility, or installation" means all of the pollutant emitting
- 22 activities that:
- 23 (a) Belong to the same industrial grouping, or have the same two (2) digit major

- group code, as described in the Standard Industrial Classification Manual[, 1987];
- 2 (b) Are located on one (1) or more contiguous or adjacent properties;
- 3 (c) Are under the control of the same person or persons under common control; and
- 4 (d) Do not include the activities of a vessel.
- 5 (30) "°C" means degree Celsius (centigrade).
- 6 (31) "Cabinet" is defined in KRS 224.01-010(9).
- 7 (32) "Cal" means calorie.
- 8 (33) "Capital expenditure" is defined in 40 C.F.R. 60.2.
- 9 (34) "cfm" means cubic feet per minute.
- 10 (35) "CH₄" means methane.
- 11 (36) "Clean coal technology" means a technology, including technologies applied at
- the precombustion, combustion, or postcombustion stage, at a new or existing facility
- 13 that will achieve significant reductions in air emissions of sulfur dioxide or oxides of
- 14 nitrogen associated with the utilization of coal in the generation of electricity or process
- 15 steam that was not in widespread use as of November 15, 1990.
- 16 (37) "Clean coal technology demonstration project" means a commercial
- 17 demonstration of clean coal technology, with a federal contribution of at least twenty
- 18 (20) percent of the total cost of the project and funding appropriated as follows:
- 19 (a) Under the heading "Department of Energy-Clean Coal Technology," up to a total
- 20 amount of \$2,500,000,000; or
- 21 (b) To the U.S. EPA for a similar project.
- 22 [(38) "Clean unit" means an emissions unit that:
- 23 (a) Has been issued a major NSR permit that requires compliance with BACT or

- 1 LAER; is complying with the applicable BACT or LAER requirements; and qualifies as a
- 2 clean unit pursuant to 401 KAR 51:017, Section 20, or 401 KAR 51:052, Section 11;
- 3 (b) Has been designated by the cabinet as a clean unit, based on the criteria in 401
- 4 KAR 51:017, Section 21(2) or 401 KAR 51:052, Section 12(2), using a SIP approved
- 5 permitting process; or
- 6 (c) Has been designated as a clean unit by the U.S. EPA in accordance with 40
- 7 C.F.R. 52.21(y)(3)(i) to (iv).]
- 8 (38)[(39)] "Clinker" means the product of a portland cement kiln from which finished
- 9 cement is manufactured by milling and grinding.
- 10 (39)[(40)] "CO" means carbon monoxide.
- 11 (40)[(41)] "CO_{2"} means carbon dioxide.
- 12 (41)[(42)] "COD" means chemical oxidant demand.
- 13 [(43) "Collateral pollutant" means an air contaminant for which the emissions rate is
- 14 increased as a result of undertaking a pollution control project.]
- 15 (42)[(44)] "Combined cycle system" means a system comprised of one (1) or more
- 16 combustion turbines, heat recovery steam generators, or steam turbines configured to
- 17 improve overall efficiency of electricity generation or steam production.
- 18 (43)[(45)] "Combustion turbine" means an enclosed fossil or other fuel-fired device
- 19 that is comprised of a compressor, a combustor, and a turbine, and in which the flue
- 20 gas resulting from the combustion of fuel in the combustor passes through the turbine,
- 21 rotating the turbine.
- 22 (44)[(46)] "Commence" means that an owner or operator:
- 23 (a) Has undertaken a continuous program of construction, modification, or

- 1 reconstruction of an affected facility, or that an owner or operator has entered into a
- 2 contractual obligation to undertake and complete, within a reasonable time, a
- 3 continuous program of construction, modification, or reconstruction of an affected
- 4 facility; or
- 5 (b) For construction of a major stationary source or major modification in the PSD or
- 6 NSR program, has all necessary preconstruction approvals or permits, and:
- Has begun, or caused to begin, a continuous program of actual on-site
- 8 construction of the source, to be completed within a reasonable time; or
- 9 2. Has entered into binding agreements or contractual obligations, that cannot be
- 10 cancelled or modified without substantial loss to the owner or operator, to undertake a
- program of actual construction of the source to be completed within a reasonable time.
- 12 (45)(47)] "Commence commercial operation" means to have begun to produce
- 13 steam, gas, or other heated medium used to generate electricity for sale or use. Except
- 14 as provided in 401 KAR 51:195 or 40 C.F.R. 96.5:
- 15 (a) For a unit that is a NOx budget unit under 40 C.F.R. 96.4, on the date the unit
- 16 commences commercial operation, the date remains the unit's date of commencement
- 17 of commercial operation even if the unit is subsequently modified, reconstructed, or
- 18 repowered.
- 19 (b) For a unit that is not a NOx budget unit under 40 C.F.R. 96.4, on the date the
- 20 unit commences commercial operation, the date the unit becomes a NOx budget unit
- 21 under 40 C.F.R. 96.4 is the unit's date of commencement of commercial operation.
- 22 (46)[(48)] "Commence operation" means, for a NOx budget unit, to have begun a
- 23 mechanical, chemical, or electronic process, including start-up of a unit's combustion

- 1 chamber. Except as provided in 401 KAR 51:195 or 40 C.F.R. 96.5:
- 2 (a) For a unit that is a NOx budget unit under 40 C.F.R. 96.4 on the date of
- 3 commencement of operation, the date remains the unit's date of commencement of
- 4 operation even if the unit is subsequently modified, reconstructed, or repowered.
- 5 (b) For a unit that is not a NOx budget unit under 40 C.F.R. 96.4 on the date of
- 6 commencement of operation, the date the unit becomes a NOx budget unit under 40
- 7 C.F.R. 96.4 is the unit's date of commencement of operation.
- 8 (47)[(49)] "Complete" means, in reference to an application for a major NSR permit,
- 9 that the application contains information necessary for processing the application.
- 10 Designating an application complete for permit processing does not preclude the
- 11 cabinet from requesting or accepting additional information.
- 12 (48)[(50)] "Compliance schedule" means a time schedule of remedial measures
- 13 including an enforceable sequence of actions or operations leading to compliance with a
- 14 limitation or standard.
- 15 (49)[(51)] "Compliance supplement pool" means the quantity of NOx allowances
- 16 provided to Kentucky by the U.S. EPA to be:
- 17 (a) Allocated to NOx budget units that achieve early reduction; or
- (b) Used to assist NOx budget sources that are unable to meet the compliance
- 19 deadline as provided in 401 KAR 51:180, Section 5.
- 20 <u>(50)[(52)]</u> "Construction" means:
- 21 (a) Fabrication, erection, installation, or [installation or] modification of an air
- 22 contaminant source; or
- 23 (b) For the NSR program, any physical change or change in the method of

- 1 operation, including fabrication, erection, installation, demolition, or modification of an
- 2 emissions unit that would result in a change in emissions at an air contaminant source.
- 3 (51)[(53)] "Continuous emissions monitoring system" or "CEMS" means all of the
- 4 equipment that may be required to meet the data acquisition and availability
- 5 requirements of 401 KAR 51:017 or [401 KAR] 51:052 to sample, condition, (if
- 6 applicable), analyze, and provide a record of emissions on a continuous basis.
- 7 (52)(54)] "Continuous emissions [emission] monitoring system for NOx" or "CEMS
- 8 for NOx" means the equipment required by 40 C.F.R. 96.70 to 96.76 to sample,
- 9 analyze, measure, and provide, by readings taken at least once every fifteen (15)
- 10 minutes of the measured parameters, a permanent record of NOx emissions, expressed
- 11 in tons per hour for NOx. The following systems are necessary component parts, as
- 12 required by 40 C.F.R. Part 75, included in a continuous emissions [emission] monitoring
- 13 system:
- 14 (a) Flow monitor;
- 15 (b) NOx pollutant concentration monitor:
- 16 (c) Diluent gas monitor (O₂ or CO₂) if required by 40 C.F.R. 96.70 to 96.76;
- 17 (d) Continuous moisture monitor if required by 40 C.F.R. 96.70 to 96.76; and
- 18 (e) Automated data acquisition and handling system.
- 19 (53)[(55)] "Continuous emissions rate monitoring system" or "CERMS" means the
- 20 total equipment required for the determination and recording of the pollutant mass
- 21 emissions rate in terms of mass per unit of time.
- 22 (54)[(56)] "Continuous monitoring system" means the total equipment, required
- 23 under the applicable administrative regulations in 401 KAR Chapters 50 to 65,

- 1 [regulations,] used to sample, to condition (if applicable), to analyze, and [analyze and]
- 2 to provide a permanent record of emissions or process parameters.
- 3 (55)[(57)] "Continuous parameter monitoring system" or "CPMS" means all of the
- 4 equipment necessary to meet the data acquisition and availability requirements of 401
- 5 KAR 51:017 and [401 KAR] 51:052 to:
- 6 (a) Monitor process and control device operational parameters such as control device secondary voltages and electric currents:
- 8 (b) Monitor other information such as gas flow rate, ozone or carbon dioxide 9 concentrations; and
- 10 (c) Record average operational parameter values on a continuous basis.
- 11 (<u>56)[(58)]</u> "Control period" means:
- 12 (a) For the year 2004, the period beginning May 31, 2004, and ending September
- 13 30, 2004, inclusive: and
- 14 (b) For all other years, the period beginning May 1 of a year and ending September
- 15 30 of the same year, inclusive.
- 16 (57)(59)] "Director" means Director of the Division for Air Quality of the Energy and
- 17 Environment [Environmental and Public Protection] Cabinet.
- 18 (58)[(60)] "District" is defined in KRS 224.01-010(11).
- 19 (59)[(61)] "dscf" means dry cubic feet at standard conditions.
- 20 (60)[(62)] "dscm" means dry cubic meter at standard conditions.
- 21 (61)[(63)] "Electric generating unit" means, for 401 KAR 51:160 to [401 KAR]
- 22 51:195, a fossil fuel-fired boiler, combustion turbine, or a combined cycle system used
- 23 to generate twenty-five (25) megawatts or more of electricity, some of which is offered

- 1 for sale.
- 2 (62)[(64)] "Electric utility steam generating unit" or "EUSGU" means, for the PSD
- 3 and NSR programs:
- 4 (a) A steam electric generating unit [that is] constructed for the purpose of supplying
- 5 for sale:
- 1. More than one-third (1/3) of its potential electric output capacity, and
- More than twenty-five (25) megawatt electrical output to a utility power distribution
- 8 system for sale; and
- 9 (b) Steam to a steam-electric generator that would produce electrical energy is also
- 10 considered in determining the electrical energy output capacity of the affected facility.
- 11 (63)[(65)] "Emission standard" means that numerical limit that fixes the amount of an
- 12 air contaminant or air contaminants that may be vented into the atmosphere from an
- 13 affected facility or from air pollution control equipment installed in an affected facility.
- 14 (64)[(66)] "Emissions unit" means any part of a stationary source, including [source
- 15 including] an EUSGU that emits or has [will have] the potential to emit a regulated NSR
- 16 pollutant. For 401 KAR 51:017 and [401 KAR] 51:052, there are two (2) types of
- 17 emissions units:
- 18 (a) A new emissions unit, which is any emissions unit that is or will be newly
- 19 constructed and that has existed for less than two (2) years from the date the unit first
- 20 operated; and
- 21 (b) An existing emissions unit, which is any emissions unit that does not meet the
- requirements in paragraph (a) of this subsection or is a replacement unit.
- 23 (65)[(67)] "Enforceable as a practical matter" means that the emission or other

- standards contained in a permit or compliance schedule include:
- 2 (a) Technically accurate emission standards and [standards, and] the portions of the
- 3 source that are subject to the standards;
- 4 (b) A time period adequate to demonstrate compliance with the standards; and
- 5 (c) The method the source shall [will] use to achieve and demonstrate compliance
- 6 with the limitations and standards, including appropriate monitoring, recordkeeping, and
- 7 reporting.
- 8 (66)[(68)] "Equivalent method" means a method of sampling and analyzing for an air
- 9 pollutant that has been demonstrated to the cabinet's and the U.S. EPA's satisfaction
- 10 pursuant to 40 C.F.R. 53.3 to have a consistent and quantitatively known relationship to
- 11 the reference method, under specified conditions.
- 12 (67)(69) "Excess NOx emissions" means any tonnage of nitrogen oxides emitted
- 13 by a NOx budget unit during a control period that exceeds the NOx budget emissions
- 14 limitation for the unit.
- 15 (68)[(70)] "Exempt compound" or "exempt solvent" means an organic compound
- 16 listed in the definition of volatile organic compound as not participating in atmospheric
- 17 photochemical reactions.
- 18 (69)(71) "Existing source" means a source that is not a new source.
- 19 (70)[(72)] "Extreme nonattainment county" or "extreme nonattainment area" means
- 20 a county or portion of a county designated extreme nonattainment for the one (1) hour
- 21 national ambient air quality standard for ozone in 401 KAR 51:010.
- 22 (71)[(73)] "°F" means degree Fahrenheit.
- 23 (72)(74)] "Federal land manager" means, for any lands in the United States, the

- 1 secretary of the department with authority over those lands.
- 2 (73)[(75)] "Federally enforceable" means all limitations and conditions that are
- 3 enforceable by the U.S. EPA, including:
- 4 (a) Requirements developed under 40 C.F.R. Parts 60 and 61;
- 5 (b) Requirements in the Kentucky state implementation plan (SIP) approved by the
- 6 U.S. EPA; and
- 7 (c) Any permit requirements established under 40 C.F.R. 52.21 or under regulations
- 8 approved under 40 C.F.R. Part 51, Subpart I, including operating permits issued under
- 9 an EPA-approved program incorporated into the SIP, that expressly requires adherence
- 10 to a permit issued under the program.
- 11 (74)[(76)] "Federally-enforceable permit" means a permit issued under 401 KAR
- 12 52:020 or [401 KAR] 52:030, as appropriate.
- 13 (75)[(77)] "Fixed capital cost" means the capital needed to provide all the
- 14 depreciable components.
- 15 (76)[(78)] "Fossil fuel" means natural gas; petroleum; coal; [gas, petroleum, coal,] or
- a form of solid, liquid, or gaseous fuel derived from natural gas, petroleum, or coal.
- 17 (77)[(79)] "Fossil fuel fired" means, for a unit:
- 18 (a) The combustion of fossil fuel, alone or in combination with another fuel, if the
- 19 fossil fuel combusted comprises more than fifty (50) percent of the annual heat input on
- 20 a BTU basis during a year starting in 1995 or, if a unit had no heat input starting in
- 21 1995, during the last year of operation of the unit prior to 1995; or
- 22 (b) The combustion of fossil fuel, alone or in combination with another fuel, if the
- 23 fossil fuel is projected to comprise more than fifty (50) percent of the annual heat input

- 1 on a BTU basis during a year, and the unit is to be fossil fuel fired as of the date during
- 2 the year the unit begins combusting fossil fuel.
- 3 (78)[(80)] "ft" means feet or foot.
- 4 (79)[(81)] "Fuel" means natural gas; petroleum; coal; wood; [gas, petroleum, coal,
- 5 wood,] or a form of solid, liquid, or gaseous fuel derived from these materials for the
- 6 purpose of creating useful heat.
- 7 (80)[(82)] "Fugitive emissions" means those emissions that could not reasonably
- 8 pass through a stack, chimney, vent, or other functionally equivalent opening.
- 9 (81)[(83)] "g" means gram.
- 10 (82)[(84)] "gal" means gallon.
- 11 (83)[(85)] "General fund" is defined by KRS 48.010(15)(a). [in KRS 48.010(13)(a).]
- 12 (84)[(86)] "Generator" means a device that produces electricity.
- 13 (85)[(87)] "gr" means grain.
- 14 (86)[(88)] "HCI" means hydrochloric acid.
- 15 (87)[(89)] "Heat input" means the product, in MMBTU per unit of time, of the gross
- 16 calorific value of the fuel, in BTU per lb, and the fuel feed rate into a combustion device,
- 17 in mass of fuel per unit of time, that:
- 18 (a) Does not include the heat derived from preheated combustion air, recirculated
- 19 flue gases, or exhaust from other sources; and
- 20 (b) Is measured, recorded, and reported to the cabinet by the NOx authorized
- 21 account representative in accordance with 40 C.F.R. 96.70 to 96.76.
- 22 (88)[(90)] "HF" means hydrogen fluoride.
- 23 (89)[(91)] "Hg" means mercury.

- 1 (90)[(92)] "High terrain" means an area having an elevation of 900 feet or more
- 2 above the base of the stack of a source.
- 91 (91)[(93)] "hr" means hour.
- 4 (92)[(94)] "Hydrocarbon" means an organic compound consisting predominantly of
- 5 carbon and hydrogen.
- 6 (93)[(95)] "Hydrocarbon combustion flare" means:
- 7 (a) A flare used to comply with an applicable New Source Performance Standard
- 8 (NSPS) or Maximum Achievable Control Technology (MACT) standard, including uses
- 9 of flares during startup, shutdown, or malfunction permitted under the standard; or
- 10 (b) A flare that serves to control emissions of waste streams comprised
- 11 predominately of hydrocarbons and containing no more than 230 µg/dscm hydrogen
- 12 sulfide.
- 13 (94)[(96)] "H₂O" means water.
- 14 (95)[(97)] "H₂S" means hydrogen sulfide.
- 15 (96)[(98)] "H₂SO_{4"} means sulfuric acid.
- 16 (97)[(99)] "in" means inch.
- 17 (98)[(100)] "Incineration" means the process of igniting and burning solid, semisolid,
- 18 liquid, or gaseous combustible wastes.
- 19 (99)[(101)] "Industrial boiler or turbine" means a fossil fuel-fired boiler, combustion
- 20 turbine, or a combined cycle system having a maximum design heat input of 250
- 21 MMBTU per hour or more that is not an electric generating unit.
- 22 (100)[(102)] "Innovative control technology" means a system of air pollution control
- 23 that has not been adequately demonstrated in practice, but has [will have] a substantial

- 1 likelihood of achieving:
- 2 (a) Greater continuous emissions reduction than any control system in current
- 3 practice; or
- 4 (b) At least comparable reductions at lower cost in terms of energy, economics, or
- 5 <u>non-air</u> [nonair] quality environmental impacts.
- 6 (101)[(103)] "Intermittent emissions" means emissions of particulate matter into the
- 7 open air from a process that operates for less than any six (6) consecutive minutes.
- 8 (102)[(104)] "J" means joule.
- 9 (103)[(105)] "Kg" means kilogram.
- 10 (104)[(106)] "I" means liter.
- 11 (105)[(107)] "lb" means pound.
- 12 (106)[(108)] "Legally enforceable" means the cabinet or the U.S. EPA has the
- 13 authority to enforce a certain restriction.
- 14 (107)[(109)] "Long dry kiln" means a kiln that employs no preheating of the feed and
- 15 has a dry inlet feed.
- 16 (108)[(110)] "Long wet kiln" means a kiln that employs no preheating of the feed and
- 17 the inlet feed to the kiln is a slurry.
- 18 (109)[(111)] "Low terrain" means an area other than high terrain.
- 19 (110)[(112)] "Lowest achievable emissions rate" or "LAER" means, for any source,
- 20 the more stringent rate of emissions based on:
- 21 (a) The most stringent emissions limitation that is contained in the Kentucky SIP for
- 22 the class or category of stationary source, unless the owner or operator of the proposed
- 23 stationary source demonstrates that the limitations are not achievable; or

- (b) The most stringent emissions limitation that is achieved in practice by the class
 or category of stationary sources.
- 1. If this limitation is applied to a modification, this is the lowest achievable
 emissions rate for the new or modified emissions units at the stationary source.
- 2. The application of this term does not permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.
- 8 (111)[(113)] "m" means meter.

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- 9 (112)[(114)] "m^{3"} means cubic meter.
- 10 (113)[(115)] "Major emissions unit" means:
- (a) Any emissions unit that emits or has the potential to emit 100 tons per year or
 more of a PAL pollutant in an attainment area; or
 - (b) Any emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act, 42 U.S.C. 7401-7671q, [Act] for nonattainment areas.
 - (114)[(116)] "Major modification" means a physical change in or a change in the method of operation of a major stationary source that <u>results</u> [would result] in a significant emissions increase and a significant net emissions increase of a regulated NSR pollutant.
 - (a) A significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or nitrogen oxides is considered significant for ozone.
 - (b) A physical change or change in the method of operation does not include:

- 1. Routine maintenance, repair, and [repair and] replacement;
- Use of alternative fuel or raw material by reason of an order or a natural gas
- 3 curtailment plan in effect under a federal act;
- 4 3. Use of an alternative fuel at a steam generating unit to the extent that the fuel is
- 5 generated from municipal solid waste;
- 4. Use of an alternative fuel or raw material by a stationary source that:
- 7 a. The source was capable of accommodating before January 6, 1975, for 401 KAR
- 8 51:017, or December 21, 1976, for 401 KAR 51:052; unless the change would be
- 9 prohibited by [under] a federally-enforceable permit condition that was established after
- 10 January 6, 1975, for 401 KAR 51:017, or December 21, 1976, for 401 KAR 51:052,
- 11 pursuant to 40 C.F.R. 51.165 or 51.166; or
- b. The source is approved to use by [under] a permit issued pursuant to 401 KAR
- 13 51:017 or [401 KAR] 51:052:
- 5. An increase in the hours of operation or in the production rate, unless the change
- 15 is prohibited by [under] any federally-enforceable permit condition established after
- 16 January 6, 1975, for 401 KAR 51:017 or December 21, 1976, for 401 KAR 51:052
- 17 pursuant to 40 C.F.R. 52.21; after June 6, 1979, pursuant to 401 KAR 51:015; after
- 18 September 22, 1982, pursuant to 401 KAR 51:017; or <u>pursuant to</u> [under] 401 KAR
- 19 52:020 and [401 KAR] 51:016E;
- 6. A change in ownership at a stationary source;
- 21 [7. The addition, replacement or use of a pollution control project at an existing
- 22 emissions unit meeting the requirements of 401 KAR 51:017, Section 22 or 401 KAR
- 23 51:052, Section 13, as applicable;]

- 1 7.[8-] The installation, operation, cessation, or removal of a temporary clean coal
- 2 technology demonstration project, if the project complies with the Kentucky SIP and
- 3 other requirements necessary to attain and maintain the national ambient air quality
- 4 standards during the project and after it is terminated;
- 5 8.[9-] The installation or operation of a permanent clean coal technology
- 6 demonstration project that constitutes repowering, if the project does not result in an
- 7 increase in the potential to emit of a regulated pollutant emitted by the unit, on a
- 8 pollutant-by-pollutant basis; or
- 9 <u>9.[10.]</u> The reactivation of a very clean coal-fired electric utility steam generating
- 10 unit.
- (c) The definition does [shall] not apply [with respect] to a particular regulated NSR
- 12 pollutant if [when] the major stationary source is complying with the requirements under
- 13 401 KAR 51:017, Section 20, [23] and 401 KAR 51:052, Section 11, [44] for a PAL for
- that pollutant. Instead, the definition at subsection (175) [(177)] of this section applies.
- 15 [shall apply.]
- 16 (115)[(117)] "Major NSR permit" means a permit issued under Kentucky's PSD or
- 17 NSR program.
- 18 (116)[(118)] "Major source" means a source with a potential emission rate equal to
- or greater than 100 tons per year of any one (1) of the following pollutants: particulate
- 20 matter, sulfur oxides, nitrogen oxides, volatile organic compounds, carbon monoxide, or
- 21 ODS.
- 22 (117)[(119)] "Major source baseline date" means:
- 23 (a) For particulate matter and sulfur dioxide, January 6, 1975; and

- 1 (b) For nitrogen dioxide, February 8, 1988.
- 2 (118)[(120)](a) "Major stationary source" means:
- 3 1.a. A stationary source of air pollutants that emits, or has the potential to emit 100
- 4 tons per year or more of a regulated NSR pollutant, except that the following lower
- 5 emissions thresholds apply:
- 6 (i) For ozone nonattainment areas: one hundred (100) tons per year or more of
- 7 <u>volatile organic compounds or nitrogen oxides in a marginal or moderate ozone</u>
- 8 <u>nonattainment area; fifty (50) tons per year or more of volatile organic compounds or</u>
- 9 <u>nitrogen oxides in a serious ozone nonattainment area; twenty-five (25) tons per year or</u>
- 10 more of volatile organic compounds or nitrogen oxides in a severe ozone nonattainment
- 11 area; or ten (10) tons per year or more of volatile organic compounds or nitrogen oxides
- 12 <u>in an extreme ozone nonattainment area;</u>
- 13 (ii) Fifty (50) tons per year or more of carbon monoxide in a serious carbon
- 14 monoxide nonattainment area where stationary sources contribute significantly to
- 15 carbon monoxide levels; and
- 16 (iii) Seventy (70) tons per year or more of particulate matter (PM₁₀) in a serious
- 17 PM₁₀ nonattainment area; or
- b. For the PSD program, any of the following stationary sources of air pollutants
- 19 that emits, or has the potential to emit, 100 tons per year or more of a regulated NSR
- 20 pollutant: fossil fuel-fired steam electric plants of more than 250 million BTU per hour
- 21 heat input, coal cleaning plants with thermal dryers, kraft pulp mills, portland cement
- 22 plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction
- 23 plants, primary copper smelters, municipal incinerators capable of charging more than

- 1 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum 2 refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur 3 recovery plants, carbon black plants (furnace process), primary lead smelters, fuel 4 conversion plants, sintering plants, secondary metal production plants, chemical 5 process plants, except ethanol production facilities producing ethanol by natural 6 fermentation under the North American Industry Classification System (NAICS) codes 7 325193 or 312140, fossil fuel boilers, or combination of fossil fuel boilers, totaling more 8 than 250 million BTU per hour heat input, petroleum storage and transfer units with a 9 total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass 10 fiber processing plants, and charcoal production plants;
- 2. <u>With the exception of [Netwithstanding]</u> the stationary source size specified in subparagraph 1b of this paragraph, a stationary source that emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or
- 3. Any physical change that will occur at a stationary source not otherwise qualifying
 under this subsection as a major stationary source, if the change will constitute a major
 stationary source by itself.
- 17 (b) A major stationary source that is major for volatile organic compounds or nitrogen oxides is considered major for ozone.
- (c) The fugitive emissions of a stationary source are not included in determining if the source is a major stationary source, unless the source belongs to one (1) of the following categories of stationary sources:
- Coal cleaning plants with thermal dryers;
- 23 2. Kraft pulp mills;

- 3. Portland cement plants;
- 4. Primary zinc smelters;
- 3 5. Iron and steel mills;
- 4 6. Primary aluminum ore reduction plants;
- 5 7. Primary copper smelters;
- 8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 9. Hydrofluoric, sulfuric, or nitric acid plants;
- 8 10. Petroleum refineries;
- 9 11. Lime plants;
- 10 12. Phosphate rock processing plants;
- 11 13. Coke oven batteries;
- 12 14. Sulfur recovery plants;
- 13 15. Carbon black plants (furnace process);
- 14 16. Primary lead smelters;
- 15 17. Fuel conversion plants;
- 16 18. Sintering plants;
- 17 19. Secondary metal production plants;
- 18 20. Chemical process plants, except ethanol production facilities producing ethanol
- 19 <u>by natural fermentation under NAICS codes 325193 or 312140; [plants;]</u>
- 20 21. Fossil-fuel boilers, or combination of fossil-fuel boilers, totaling more than 250
- 21 million BTUs per hour heat input;
- 22. Petroleum storage and transfer units with a total storage capacity exceeding
- 23 300,000 barrels;

- 1 23. Taconite ore processing plants;
- 2 24. Glass fiber processing plants;
- 3 25. Charcoal production plants;
- 4 26. Fossil fuel-fired steam electric plants of more than 250 million BTUs per hour
- 5 heat input; or
- 6 27. Any stationary source category that, as of August 7, 1980, is being regulated
- 7 under 42 U.S.C. 7411 or 7412.
- 8 (119)[(121)] "Malfunction" means a sudden and infrequent failure of air pollution
- 9 control equipment, process equipment, or a process to operate in a normal or usual
- manner that is not caused entirely or in part by poor maintenance, careless operation,
- or other upset condition or equipment breakdown not reasonably preventable. [that
- 12 could have been reasonably prevented.]
- 13 (120)[(122)] "Mandatory Class I area" means an area identified in 40 C.F.R. Part 81,
- 14 Subpart D, if the administrator of the U.S. EPA, in consultation with the Secretary of the
- 15 United States Department of Interior, has determined visibility to be an important value.
- 16 (121)[(123)] "Marginal nonattainment county" or "marginal nonattainment area"
- 17 means a county or portion of a county designated marginal nonattainment for the one
- 18 (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- 19 (122)[(124)] "Maximum design heat input" means the ability of a unit to combust a
- 20 stated maximum amount of fuel per hour on a steady state basis, as determined by the
- 21 physical design and physical characteristics of the unit.
- 22 (123)[(125)] "Maximum potential hourly heat input" means an hourly heat input used
- 23 for reporting purposes if [when] a unit lacks certified monitors to report heat input and is:

- 1 (a) A value calculated according to 40 C.F.R. Part 75 using the maximum fuel flow
- 2 rate and the maximum gross calorific value, if the unit intends to use 40 C.F.R. Part 75,
- 3 Appendix D to report heat input; or
- 4 (b) A value reported according to 40 C.F.R. Part 75 using the maximum potential
- 5 flow rate and either the maximum percent CO₂ concentration (in percent CO₂) or the
- 6 minimum percent O₂, if the unit intends to use a flow monitor and a diluent gas monitor.
- 7 (124)[(126)] "Maximum potential NOx emission rate" means the emission rate of
- 8 NOx (in lb per MMBTU) calculated according to 40 C.F.R. Part 75, Appendix F, Section
- 9 3, using the maximum potential NOx concentration as defined in 40 C.F.R. Part 75,
- 10 Appendix A, Section 2, and the maximum percent O_2 or the minimum percent CO_2
- 11 under all operating conditions of the unit except for unit startup, shutdown, and
- 12 malfunction.
- 13 (125)[(127)] "Maximum rated hourly heat input" means a unit specific maximum
- 14 hourly heat input (MMBTU) that is the higher of the manufacturer's maximum rated
- 15 hourly heat input or the highest observed hourly heat input.
- 16 (126)[(128)] "µg" ["mg"] means microgram.
- 17 (127)[(129)] "mg" means milligram.
- 18 (128)[(130)] "Mid-kiln firing" means the secondary firing in kilns by injecting solid fuel
- 19 at an intermediate point in the kiln using a specially designed feed injection mechanism
- 20 for the purpose of decreasing NOx emissions through:
- 21 (a) Burning part of the fuel at a lower temperature; and
- (b) Reducing-conditions at the solid waste injection point that may destroy some of
- 23 the NOx formed upstream in the kiln burning zone.

- 1 (129)[(131)] "min" means minute.
- 2 (130)[(132)](a) "Minor source baseline date" means the earliest date after the trigger
- 3 date on which a major stationary source or a major modification subject to 40 C.F.R.
- 4 52.21 or to administrative regulations approved under 40 C.F.R. 51.166 submits a
- 5 complete application under the <u>applicable administrative [relevant]</u> regulations.
- 1. For particulate matter and sulfur dioxide, the trigger date is August 7, 1977; and
- 2. For nitrogen dioxide, the trigger date is February 8, 1988.
- 8 (b) A minor source baseline date established originally for the TSP increments
- 9 remains in effect to determine the amount of available PM₁₀ increments, except that the
- 10 cabinet may rescind the minor source baseline date if it is demonstrated [shown] to the
- 11 satisfaction of the cabinet that the emissions increase from the major modification
- 12 responsible for triggering that date did not result in a significant amount of PM₁₀
- 13 emissions.
- 14 (c) The baseline date is established for each pollutant for which increments or other
- 15 equivalent measures have been established if:
- 1. The area in which the proposed source or modification will construct is
- designated as attainment or unclassifiable pursuant to 42 U.S.C. 7407 (d)(1)(A)(ii) or (iii)
- 18 for the pollutant on the date of its complete application pursuant to 401 KAR Chapter
- 19 52; [application under the relevant regulations;] and
- 20 2. For a major stationary source, the pollutant will be emitted in significant amounts
- 21 or a significant net emissions increase of the pollutant will occur for a major
- 22 modification.
- 23 (131)[(133)] "MJ" means megajoules.

- 1 (132)[(134)] "mm" means millimeter.
- 2 (133)[(135)] "MM" means million.
- 3 (134)[(136)] "mo" means month.
- 4 (135)[(137)] "Moderate nonattainment county" or "moderate nonattainment area"
- 5 means a county or portion of a county designated moderate nonattainment for the one
- 6 (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- 7 (136)[(138)] "Modification" means any physical change in, or a change in the
- 8 method of operation of, an affected facility that:
- 9 (a) Increases the amount of any air pollutant (to which a standard applies) emitted
- into the atmosphere by that facility or that results in the emission of any air pollutant (to
- 11 which a standard applies) into the atmosphere not previously emitted; and
- 12 (b) Is not solely:
- 13 1. Maintenance, repair, or replacement that the cabinet determines to be routine for
- 14 a source category;
- 15 2. An increase in production rate of an affected facility, if that increase can be
- 16 accomplished without a capital expenditure on that facility;
- 3. An increase in the hours of operation;
- Use of an alternative fuel or raw material if, prior to the date a standard becomes
- 19 applicable to that source type, the affected facility was designed to accommodate that
- 20 alternative use. A facility is considered to be designed to accommodate an alternative
- 21 fuel or raw material if that use could be accomplished under the facility's construction
- 22 specifications as amended prior to the change;
- Conversion to coal required for energy considerations, as specified in 42 U.S.C.

- 1 7411(a)(8);
- 2 6. The addition or use of a system or device the primary function of which is the
- 3 reduction of air pollutants, unless an emission control system is removed or replaced by
- 4 a system that the cabinet determines to be less environmentally beneficial; or
- 5 7. The relocation or change in ownership of a source.
- 6 (137)[(139)] "Monitoring device" means the total equipment, required by an [in]
- 7 applicable administrative regulation in 401 KAR Chapters 50 to 65, [regulations,] used
- 8 to measure and record, if applicable, process parameters.
- 9 (138)[(140)] "Monitoring system" means a monitoring system that meets the
- 10 requirements of 40 C.F.R. Part 96.
- 11 (139)[(141)] "MWe" means megawatt electrical.
- 12 (140)[(142)] "N_{2"} means nitrogen.
- 13 (141)[(143)] "Nameplate capacity" means the maximum electrical generating output
- 14 (in MWe) that a generator can sustain over a specified period of time if not restricted by
- 15 seasonal or other deratings as measured with United States Department of Energy
- 16 standards pursuant to 40 C.F.R. 96.2. [standards.]
- 17 (142)[(144)] "Natural conditions" means those naturally-occurring phenomena that
- 18 reduce visibility as measured in terms of visual range, contrast, or coloration.
- 19 (143)[(145)] "Necessary preconstruction approvals or permits" means those permits
- 20 or approvals required under the administrative regulations approved to the Kentucky
- 21 SIP <u>pursuant to 40 C.F.R. 52.920</u>, and federal air quality control laws and <u>regulations</u>
- 22 <u>established pursuant to 42 U.S.C. 7401-7671q.</u> [regulations.]
- 23 (144)[(146)](a) "Net emissions increase" means, for any regulated NSR pollutant

- 1 emitted by a major stationary source, the amount by which the sum of subparagraphs 1
- 2 and 2 of this paragraph exceeds zero:
- 1. An increase in emissions from a particular physical change or change in method
- 4 of operation at a stationary source as calculated pursuant to 401 KAR 51:017, Section
- 5 1(4) or 401 KAR 51:052, Section 1(2); and
- 6 2. Any other increases and decreases in actual emissions at the major stationary
- 7 source that are contemporaneous with the particular change and are otherwise
- 8 creditable. Baseline actual emissions for calculating increases and decreases under
 - this paragraph are determined as defined in this section.
- 10 (b) An increase or decrease in actual emissions is contemporaneous with the
- 11 increase from the particular change only if:

- 1. For construction that commences prior to January 6, 2002, the change occurs
- 13 between the date ten (10) years before construction on the change commences, and
- 14 the date that the increase from the change occurs; and
- 15 2. For construction that commences on and after January 6, 2002, the change
- 16 occurs between the date five (5) years before construction on the change commences,
- and the date that the increase from the change occurs.
- (c) An increase or decrease in actual emissions is creditable only if:
- 1. The cabinet or the U.S. EPA has not relied on the change in issuing a permit for
- 20 the source pursuant to 401 KAR 51:017, [401 KAR] 51:052, or 40 C.F.R. 52.21; and
- 2. The permit is in effect at the time the increase or decrease in actual emissions
- 22 from the particular change occurs, foccurs; and
- 23 3. The increase or decrease in emissions did not occur at a clean unit, except as

- 1 provided in 401 KAR 51:017, Sections 20(7) or 21(9) or 401 KAR 51:052, Sections
- 2 11(7) or 12(9).
- 3 (d) An increase or decrease in actual emissions of sulfur dioxide, particulate matter,
- 4 or nitrogen oxides that occurs before the applicable minor source baseline date is
- 5 creditable only if it is required to be considered in calculating the amount of maximum
- 6 allowable increases remaining available. For particulate matter, only PM₁₀ emissions
- 7 are used to evaluate the net emissions increase for PM₁₀.
- 8 (e) An increase in actual emissions is creditable only to the extent that the new level
- 9 of actual emissions exceeds the old level.
- 10 (f) A decrease in actual emissions is creditable only to the extent that:
- 1. The old level of actual emissions or the old level of allowable emissions,
- 12 whichever is lower, exceeds the new level of actual emissions;
- 13 2. The decrease is enforceable as a practical matter at and after the time that actual
- 14 construction on the particular change begins; and
- 15 3. The decrease has approximately the same qualitative significance for public
- 16 health and welfare as that attributed to the increase from the particular change.
- 17 [change; and
- 18 4. The decrease did not result from the installation of add-on control technology or
- 19 application of pollution prevention practices that were relied on in designating an
- 20 emissions unit as a clean unit under 40 C.F.R. 52.21(y) or under administrative
- 21 regulation approved pursuant to 40 C.F.R. 51.166(u) or 51.165(d).
- 22 (g) An increase that results from a physical change at a source occurs if the
- 23 emissions unit on which construction occurred becomes operational and begins to emit

- 1 a particular pollutant. A replacement unit that requires shakedown becomes operational
- 2 only after a reasonable shakedown period, not to exceed 180 days.
- 3 (h) The term, actual emissions, as defined in subsection (2) of this section does not
- 4 apply in determining creditable increases and decreases.
- 5 (145)[(147)] "New source" means a source, the construction, reconstruction, or
- 6 modification of which commenced on or after the classification date as defined in the
- 7 applicable administrative regulation, irrespective of a change in emission rate.
- 8 (146)[(148)] "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as
- 9 measured by test methods specified by the cabinet.
- 10 (147)[(149)] "ng" means nanograms.
- 11 (148)[(150)] "NO" means nitric oxide.
- 12 (149)[(151)] "NO₂" means nitrogen dioxide.
- 13 (150)[(152)] "Nonattainment major new source review program" or "NSR program"
- 14 means a major source preconstruction permit program that has been approved by the
- 15 U.S. EPA and incorporated into the Kentucky SIP to implement the requirements of 40
- 16 C.F.R. 51.165 and 40 C.F.R. Part 51, Appendix S.
- 17 (151)[(153)] "NOx" means nitrogen oxides.
- 18 (152)[(154)] "NOx allowance" means an authorization to emit one (1) ton of NOx
- during a control period under the NOx Budget Trading Program.
- 20 (153)[(155)] "NOx Allowance Tracking System (NATS)" means the system by which
- 21 the U.S. EPA records allocations, deductions, and transfers of NOx allowances under
- 22 the NOx Budget Trading Program.
- 23 (154)[(156)] "NOx authorized account representative" means the [natural] person

- 1 who is authorized by the owner or operator to:
- 2 (a) Represent and legally bind the owner and operator in all matters pertaining to
- 3 the NOx Budget Trading Program in accordance with 40 C.F.R. Part 96, Subpart B for a
- 4 NOx budget source and all NOx budget units at the source; and
- 5 (b) Transfer or otherwise dispose of NOx allowances held in the general account in
- 6 accordance with 40 C.F.R. Part 96, Subpart F, for a general account.
- 7 (155)[(157)] "NOx budget emissions limitation" means, for a NOx budget unit, the
- 8 tonnage equivalent of the NOx allowances available for compliance deduction for the
- 9 unit and for a control period under 401 KAR 51:160 adjusted by deductions of sufficient
- 10 NOx allowances to account for:
- 11 (a) Actual utilization under 40 C.F.R. 96.42(e) for the control period;
- 12 (b) Excess NOx emissions for a prior control period under 40 C.F.R. 96.54(d);
- 13 (c) Withdrawal from the NOx budget program under 40 C.F.R. 96.86; or
- 14 (d) A change in regulatory status for a NOx budget opt-in source under 40 C.F.R.
- 15 96.87.
- 16 (156)[(158)] "NOx budget opt-in source" means an affected facility that has elected
- 17 to become a NOx budget unit under the NOx Budget Trading Program and whose NOx
- 18 budget opt-in permit has been issued and is in effect.
- 19 (157)[(159)] "NOx budget source" means a source that includes one (1) or more
- 20 NOx budget units.
- 21 (158)[(160)] "NOx Budget Trading Program" means the multistate NOx air pollution
- 22 control and emission reduction program established and administered by the U.S. EPA
- 23 under 40 C.F.R. 51.121 or 52.34, as a means of mitigating the interstate transport of O₃,

- 1 O₃ precursors, and NOx.
- 2 (159)[(161)] "NOx budget unit" means a unit [that is] subject to the NOx Budget
- 3 Trading Program emissions limitation under 401 KAR 51:160 or 40 C.F.R. 96.80.
- 4 (160)[(162)] "NOx budget unit operator" means a person who operates, controls, or
- 5 supervises a NOx budget unit, a NOx budget source, or a unit for which an application
- 6 for a NOx budget opt-in permit under 401 KAR 51:195 is submitted and not denied or
- 7 withdrawn and includes a holding company, utility system, or plant manager of a NOx
- 8 budget unit or source.
- 9 (161)[(163)] "NOx budget unit owner" means:
- 10 (a) A holder of a portion of the legal or equitable title in a NOx budget unit or in a
- 11 unit for which an application for a NOx budget opt-in permit under 401 KAR 51:195 is
- 12 submitted and not denied or withdrawn;
- 13 (b) A holder of a leasehold interest in a NOx budget unit or in a unit for which an
- 14 application for a NOx budget opt-in permit under 401 KAR 51:195 is submitted and not
- 15 denied or withdrawn;
- 16 (c) A purchaser of power from a NOx budget unit or from a unit for which an
- 17 application for a NOx budget opt-in permit under 401 KAR 51:195 is submitted and not
- denied or withdrawn under a life-of-the-unit, firm power contractual arrangement and
- 19 [arrangement. However,] unless expressly provided for in a leasehold agreement, does
- 20 [NOx budget unit owner shall] not include a passive lessor, or a person who has an
- 21 equitable interest through the lessor, whose rental payments are not based, either
- 22 directly or indirectly, upon the revenues or income from the NOx budget unit or the unit
- 23 for which an application for a NOx budget opt-in permit under 401 KAR 51:195 is

- 1 submitted and not denied or withdrawn; or
- 2 (d) For any general account, a person who has an ownership interest with respect to
- 3 the NOx allowances held in the general account and who is subject to the binding
- 4 agreement for the NOx authorized account representative to represent that person's
- 5 ownership.
- 6 (162)[(164)] "O_{2"} means oxygen.
- 7 (163)[(165)] "O_{3"} means ozone.
- 8 (164)[(166)] "Opacity" means the degree to which emissions reduce the
- 9 transmission of light and obscure the view of an object in the background.
- 10 (165)[(167)] "Operating" means, for a NOx budget unit, having documented heat
- 11 input for more than 876 hours in the six (6) months immediately preceding the
- 12 submission of an application for an initial NOx budget permit.
- 13 (166)[(168)] "Operator" means, for a NOx budget unit, any person who operates,
- 14 controls, or supervises a NOx budget unit, a NOx budget source, or unit for which an
- 15 application for a NOx budget opt-in permit is submitted and not denied or withdrawn,
- 16 and includes any holding company, utility system, or plant manager of the unit or
- 17 source.
- 18 (167)[(169)] "Opt-in" means to be elected to become a NOx budget unit under the
- 19 NOx Budget Trading Program through a final NOx budget opt-in permit.
- 20 (168)[(170)] "Owner" means, for a NOx budget unit, the following persons:
- 21 (a) A holder of any portion of the legal or equitable title in a NOx budget unit or in a
- 22 unit for which an application for a NOx budget opt-in permit under 40 C.F.R. 96.83 is
- 23 submitted and not denied or withdrawn;

- (b) A holder of a leasehold interest in a NOx budget unit or in a unit for which an
 application for a NOx budget opt-in permit under 40 C.F.R. Part 96.83 is submitted and
 not denied or withdrawn;
 - (c) A purchaser of power from a NOx budget unit or from a unit for which an application for a NOx budget opt-in permit under 40 C.F.R. 96.83 is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement and [arrangement. However,] unless expressly provided for in a leasehold agreement, [ewner] does not include a passive lessor, or a person who has an equitable interest through the lessor, whose rental payments are not based upon the revenues or income from the NOx budget unit or the unit for which an application for a NOx budget opt-in permit under 40 C.F.R. 96.83 is submitted and not denied or withdrawn; or
 - (d) With respect to a general account, a person who has an ownership interest with respect to NOx allowances held in the general account and who is subject to the binding agreement for the NOx authorized account representative to represent that person's ownership interest with respect to NOx allowances.
 - (169)[(171)] "Owner or operator" means a person who owns, leases, operates, controls, or supervises an affected facility or a source to which an affected facility is a part.
- 19 (170)[(172)] "oz" means ounce.

(171)[(173)] "Ozone depleting potential" or "ODP", means pursuant to [as determined by consulting] 40 C.F.R. Part 82, Subpart A, Appendices A and B, [means] the ratio of the total amount of ozone destroyed by a fixed amount of an ozone depleting substance to the amount of ozone destroyed by the same mass of

- 1 trichloroflouromethane (CFC-11) in which the ozone depleting potential of CFC-11 is
- 2 equal to one and zero tenths (1.0). [trichloroflouromethane, CFC-11; i.e., the ODP of
- 3 CFC-11 equals 1.0.]
- 4 (172)[(174)] "Ozone depleting substance" or "ODS" means any chemical compound
- 5 regulated under 40 C.F.R. Part 82 with decay products, after the photolysis of the ODS
- 6. by short-wave ultraviolet light, that are able to catalyze the destruction of stratospheric
- 7 ozone.
- 8 (173)[(175)] "PAL effective date" means:
- 9 (a) The date of issuance of the PAL permit; or
- 10 (b) For an increased PAL, the date any emissions unit that is part of the PAL major
- 11 modification becomes operational and begins to emit the PAL pollutant.
- 12 (174)[(176)] "PAL effective period" means the period beginning with the PAL
- 13 effective date and ending ten (10) years later.
- 14 (175)[(177)] "PAL major modification" means any physical change in or a change in
- 15 the method of operation of the PAL source that causes it to emit the PAL pollutant at a
- 16 level equal to or greater than the PAL.
- 17 (176)[(178)] "PAL permit" means the permit issued by the cabinet that establishes a
- 18 PAL for a major stationary source.
- 19 (177)[(179)] "PAL pollutant" means the pollutant for which a PAL is established at a
- 20 major stationary source.
- 21 (178)[(180)] "Particulate matter" means a material, except uncombined water that
- 22 exists in a finely divided form as a liquid or a solid measured by an approved test
- 23 method.

- 1 (179)[(181)] "Particulate matter emissions" means, except as used in 40 C.F.R. Part
- 2 60, all finely divided solid or liquid material, other than uncombined water, emitted to the
- 3 ambient air as measured by applicable reference methods, or an equivalent or
- 4 alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the
- 5 Kentucky SIP. [approved state implementation plan.]
- 6 (180)[(182)] "Peak load" means the maximum instantaneous operating load.
- 7 (181)[(183)] "Permitted capacity factor" means the annual permitted fuel use divided
- 8 by the manufacturer's specified maximum fuel consumption multiplied by 8,760 hours
- 9 per year.
- 10 (182)[(184)] "Person" is defined by KRS 224.01-010(17).
- 11 (183)[(185)] "Plant-wide applicability limitation" or "PAL" means an emission
- 12 limitation, expressed in tons per year, for a pollutant at a major stationary source, that is
- 13 enforceable as a practical matter and is established source-wide in accordance with 401
- 14 KAR <u>51:017 or 51:052.</u> [51:017, Section 23 or 401 KAR 51:052, Section 14.]
- 15 (184)[(186)] "PM_{2.5}" means particulate matter with an aerodynamic diameter less
- than or equal to a nominal two and five-tenths [two-and-a-half] (2.5) micrometers as
- 17 measured by a reference method in 40 C.F.R. Part 50, Appendix L, and designated in
- 18 accordance with 40 C.F.R. Part 53, or by an equivalent method designated in
- 19 accordance with 40 C.F.R. Part 53.
- 20 (185)[(187)] "PM₁₀" means particulate matter with an aerodynamic diameter less
- 21 than or equal to a nominal ten (10) micrometers as measured by a reference method in
- 40 C.F.R. Part 50, Appendix J and designated in accordance with 40 C.F.R. Part 53, or
- by an equivalent method designated in accordance with 40 C.F.R. Part 53.

(186)[(188)] "PM₁₀ emissions" means finely divided solid or liquid material with an 1 aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to 2 the ambient air as measured by an applicable reference method, or an equivalent or 3 alternative method [method,] specified in 40 C.F.R. Chapter I, or by a test method 4 specified in the Kentucky SIP. [approved state implementation plan.] 5 [(189) "Pollution control project" or "PCP" means an activity, set of work practices, or 6 project, including pollution prevention, undertaken at an existing emissions unit that 7 reduces emissions of air pollutants from that unit in accordance with 401-KAR 51:017, 8 9 Section 22 or 401 KAR 51:052, Section 13. Qualifying activities or projects include: 10 (a) Conventional or advanced flue gas desulfurization or sorbent injection for control 11 of SO₂; (b) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers 12 13 for control of particulate matter or other pollutants; 14 (c) Flue gas recirculation, low-NOx burners or combustors, selective noncatalytic 15 reduction, selective catalytic reduction, low emission combustion for internal combustion 16 (IC) engines, and oxidation-absorption catalyst for control of NOx; 17 (d) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal 18 incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and 19 floating roofs for storage vessels for control of VOCs or HAPs; (e) An activity or project to accommodate switching, or partially switching, to an 20 21 inherently less polluting fuel, to be limited to the following: 22 1. Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to

five one-hundredths (0.05) percent sulfur diesel;

23

- 1 2. Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;
- 2 3. Switching from coal to wood, excluding construction or demolition waste,
- 3 chemical or pesticide treated wood, and other forms of unclean wood;
- 4 4. Switching from coal to #2 fuel oil with a five-tenths (0.5) percent maximum sulfur
- 5 content; and
- 6 5. Switching from high sulfur coal to low sulfur coal with a maximum one and two-
- 7 tenths (1.2) percent sulfur content; and
- 8 (f) Activities or projects undertaken to accommodate switching from the use of an
- 9 ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone
- 10 depletion potential (ODP), including changes to equipment needed to accommodate an
- 11 activity or project described in subparagraphs 1 and 2 of this paragraph.
- 12 1. The productive capacity of the equipment is not increased as a result of the
- 13 activity or project; and
- 14 2. The projected usage of the new substance is lower, on an ODP-weighted basis,
- 15 than the baseline usage of the replaced ODS, determined by:
- 16 a. Determining the ODP of the substances by consulting 40 C.F.R. Part 82, Subpart
- 17 A, Appendices A and B;
- 18 --- b. Calculating the replaced ODP-weighted amount by multiplying the baseline actual
- 19 usage, using the annualized average of any twenty-four (24) consecutive months of
- 20 usage within the past ten (10) years, by the ODP of the replaced ODS;
- 21 c. Calculating the projected ODP-weighted amount by multiplying the projected
- 22 annual usage of the new substance by its ODP; and
- 23 d. If the value calculated in clause b of this subparagraph is more than the value

- 1 calculated in clause c of this subparagraph, then the projected use of the new
- 2 substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced
- 3 ODS.]
- 4 (187)[(190)] "Pollution prevention" means any activity that through process changes,
- 5 product reformulation or redesign or substitution of less polluting raw materials,
- 6 eliminates or reduces the release of air pollutants to the environment, including fugitive
- 7 emissions, prior to recycling, treatment, or disposal and does not include recycling,
- 8 other than certain in-process recycling practices, energy recovery, treatment, or
- 9 disposal.
- 10 (188)[(191)] "Portland cement" means a hydraulic cement produced by pulverizing
- 11 clinker consisting essentially of hydraulic calcium silicates.
- 12 (189)[(192)] "Portland cement kiln" means a system, including solid, gaseous or
- 13 liquid fuel combustion equipment, used to calcine and fuse raw materials, including
- 14 limestone and clay, to produce Portland cement clinker.
- 15 (190)[(193)] "Potential to emit" or "PTE" means:
- 16 (a) The maximum capacity of a stationary source to emit a pollutant under its
- 17 physical and operational design, in which: [where:]
- 18 1. A physical or operational limitation on the capacity of a source to emit an air
- 19 pollutant, including air pollution control equipment and restrictions on hours of operation
- 20 or on the type or amount of material combusted, stored, or processed, is [shall be]
- 21 treated as part of its design if the limitation is enforceable as a practical matter; and
- 22 2. This definition does not alter or affect the use of this term for other purposes of
- 23 the Clean Air Act, 42 U.S.C. 7401-7671q, [Act] or the term "capacity factor" as used in

- 1 the Acid Rain Program.
- 2 (b) For the PSD and NSR programs, the maximum capacity of a stationary source to
- 3 emit a pollutant under its physical or operational design, in which: [where:]
- 4 1. A physical or operational limitation on the capacity of the source to emit a
- 5 pollutant, including air pollution control equipment and restrictions on hours of operation
- 6 or on the type or amount of material combusted, stored, or processed, is treated as part
- 7 of its design if the limitation or the effect it would have on emissions:
- 8 a. Is federally enforceable; or
- 9 b. For an actuals PAL, is federally enforceable or enforceable as a practical matter;
- 10 and
- Secondary emissions are not counted.
- 12 (191)[(194)] "ppb" means parts per billion.
- 13 (192)[(195)] "ppm" means parts per million.
- 14 (193)[(196)] "ppm(w/w)" means parts per million (weight by weight).
- 15 (194)[(197)] "Precalciner kiln" means a kiln in which [where] the feed to the kiln
- 16 system is preheated in cyclone chambers and utilizes a second burner to calcine
- 17 material in a separate vessel attached to the preheater prior to the final fusion in a kiln
- 18 that forms clinker.
- 19 (195)[(198)] "Predictive emissions monitoring system" or "PEMS" means all of the
- 20 equipment necessary to monitor process parameters, such as control device secondary
- 21 voltages and electric currents, and to monitor control device operational parameters,
- 22 [such as control device secondary voltages and electric currents, and other information,]
- 23 such as gas flow rate, ozone concentrations, or [ozone or] carbon dioxide

- 1 concentrations, and to calculate and record the mass emissions rate on a continuous
- 2 basis.
- 3 (196)[(199)] "Preheater kiln" means a kiln in which [where] the feed to the kiln
- 4 system is preheated in cyclone chambers prior to the final fusion in a kiln that forms
- 5 clinker.
- 6 (197)[(200)] "Prevention of Significant Deterioration Program" or "PSD Program"
- 7 means a major source preconstruction program that has been approved by the U.S.
- 8 EPA and incorporated into the Kentucky SIP to implement the requirements of 40
- 9 C.F.R. 51.166 or 52.21.
- 10 [(201) "Primary pollutant" means a regulated NSR pollutant for which a pollution
- 11 control project is undertaken to reduce emissions of that pollutant.]
- 12 (198)[(202)] "Project" means a physical change in or change in method of operation
- 13 of an existing major stationary source.
- 14 (199)[(203)] "Projected actual emissions" means:
- 15 (a) The maximum annual rate, in tons per year, at which an existing emissions unit
- 16 is projected to emit a regulated NSR pollutant in any one (1) of the five (5) years, in a
- twelve (12) month period, following the date the unit resumes regular operation after the
- project, or in any one (1) of the ten (10) years following that date, if:
- 1. The project involves increasing the emissions unit's design capacity or its
- 20 potential to emit the regulated NSR pollutant; and
- 2. Full utilization of the unit would result in a significant emissions increase or a
- 22 significant net emissions increase at the major stationary source.
- 23 (b) To determine projected actual emissions, before beginning actual construction,

- 1 the owner or operator of the major stationary source:
- 2 1.a. Considers all relevant information, including historical operational data and the
- 3 company's own representations of expected and highest projected business activity,
- 4 [activity;] filings with the cabinet and the U.S. EPA, [U.S. EPA;] and compliance plans
- 5 under the Kentucky SIP;
- 6 b. Includes fugitive emissions and emissions associated with startups, shutdowns,
- 7 and malfunctions; and
- 8 c. Excludes, in calculating any increase in emissions that results from a project, that
- 9 portion of the unit's emissions following the project that an existing unit could have
- accommodated during the consecutive twenty-four (24) month period used to establish
- 11 the baseline actual emissions and that are also unrelated to the project, including any
- 12 increased utilization due to product demand growth; or
- 13 2. Elects to use the emissions unit's potential to emit, in tons per year, instead of
- 14 using subparagraph 1 of this paragraph to determine projected actual emissions.
- 15 (200)[(204)] "psia" means pounds per square inch absolute.
- 16 (201)(205) "psig" means pounds per square inch gage.
- 17 (202)[(206)] "RACT/BACT/LAER Clearinghouse" or "RBLC" means the U.S. EPA's
- 18 online collection of previous RACT/BACT/LAER determinations.
- 19 (203)[(207)] "Reactivation of a very clean coal-fired EUSGU" means a physical
- 20 change or change in the method of operation associated with the commencement of
- 21 commercial operations by a coal-fired utility unit after a period of discontinued operation
- 22 if the unit:
- 23 (a) Has not been in operation for the two (2) year period between November 15,

- 1 1988, and November 15, 1990, and the emissions from that unit continue to be carried
- 2 in the Kentucky emissions inventory after November 15, 1990;
- 3 (b) Was equipped prior to shutdown with a continuous system of emissions control
- 4 achieving a removal efficiency for sulfur dioxide of no less than eighty-five (85) percent
- 5 and a removal efficiency for particulates of no less than ninety-eight (98) percent;
- 6 (c) Is equipped with low-NOx burners prior to the time of commencement of
- 7 operations following reactivation; and
- 8 (d) Is otherwise in compliance with the requirements of 42 U.S.C. 7401 to 7671q.
- 9 (204)[(208)] "Reasonable further progress" means annual incremental reductions in
- emissions of the relevant air pollutant as required by 42 U.S.C. 7501 to 7515 or may
- 11 reasonably be required by the U.S. EPA for the purpose of ensuring the attainment of
- the applicable ambient air quality standard by the applicable date specified.
- 13 (205)[(209)] "Reconstruction" means the replacement of components of an existing
- 14 affected facility to the extent that:
- 15 (a) The fixed capital cost of the new components exceeds fifty (50) percent of the
- 16 fixed capital cost that would be required to construct a comparable entirely new affected
- 17 facility; and
- 18 (b) It is technologically and economically feasible to meet the applicable
- 19 requirements of 401 KAR Chapters 50 to 65.
- 20 (206)[(210)] "Reference method" means a method of sampling and analyzing for an
- 21 air pollutant as published in 40 C.F.R. Part 50, Appendices A to N; 40 C.F.R. Part 53;
- 22 40 C.F.R. Part 60, Appendices A and B; 40 C.F.R. Part 61, Appendix B; or 40 C.F.R.
- 23 Part 63, Appendices A to D.

- 1 (207)[(211)] "Regulated NSR pollutant" means the following:
- 2 (a) A pollutant for which a national ambient air quality standard has been
- 3 promulgated and any constituents or precursors for such pollutants identified by the
- 4 U.S. EPA;
- 5 (b) A pollutant [that is] subject to any standard promulgated under 42 U.S.C. 7411;
- 6 (c) A pollutant [that is] subject to a standard promulgated under or established by 42
- 7 U.S.C. 7671 to 7671q; or
- 8 (d) A pollutant that otherwise is subject to regulation under 42 U.S.C. 7401 to
- 9 7671q, except that any hazardous air pollutant (HAP) listed in 42 U.S.C. 7412 or added
- to the list pursuant to 42 U.S.C. 7412(b)(2), that has not been delisted pursuant to 42
- 11 U.S.C. 7412(b)(3), is not a regulated NSR pollutant unless the listed HAP is also
- 12 regulated as a constituent or precursor of a general pollutant listed under 42 U.S.C.
- 13 7408.
- 14 (208)[(212)] "Replacement unit" means an emissions unit that does not generate
- 15 creditable emissions reductions by shutting down the existing emissions unit that is
- 16 replaced, and that:
- 17 (a)1. Is a reconstructed unit within the meaning of 40 C.F.R. 60.15(b)(1) or that
- 18 completely takes the place of an existing emissions unit;
- 19 2. Is identical to or functionally equivalent to the replaced emissions unit; and
- 3. Does not alter the basic design parameters of the process unit.
- 21 (b) Replaces a unit that:
- 22 1. Is permanently removed from the major stationary source, is otherwise
- 23 permanently disabled, or is prohibited from operating by a permit that is enforceable as

- 1 a practical matter; and
- 2. If brought back into operation, is considered a new emissions unit.
- 3 (209)[(213)(a)] "Repowering" means:
- 4 (a) [4.] Replacement of an existing coal-fired boiler with one (1) of the following
- 5 clean coal technologies:
- 6 1. Atmospheric or pressurized fluidized bed combustion;
- 7 2. Integrated gasification combined cycle:
- 8 <u>3. Magneto hydrodynamics;</u>
- 4. Direct and indirect coal-fired turbines;
- 10 5. Integrated gasification fuel cells; or
- 11 6. Pursuant to 40 C.F.R. 51.166, as determined by the U.S. EPA in consultation
- 12 with the Secretary of Energy:
- 13 <u>a. A derivative of one (1) or more of the technologies listed in subparagraphs 1 to 5</u>
- 14 of this paragraph; or
- b. Another technology capable of controlling multiple combustion emissions
- 16 <u>simultaneously with improved boiler or generation efficiency and with significantly</u>
- 17 greater waste reduction relative to the performance of technology in widespread
- 18 commercial use as of November 15, 1990.
- 19 [atmospheric or pressurized fluidized bed combustion, integrated gasification combined
- 20 cycle, magneto hydrodynamics, direct and indirect coal-fired turbines, integrated
- 21 gasification fuel cells, or as determined by the U.S. EPA in consultation with the
- 22 Secretary of Energy, a derivative of one (1) or more of those technologies, or another
- 23 technology capable of controlling multiple combustion omissions simultaneously with

- 1 improved boiler or generation efficiency and with significantly greater waste reduction
- 2 relative to the performance of technology in widespread commercial use as of
- 3 November 15, 1990; and]
- 4 (b)[2-] An oil or gas-fired unit that has been awarded clean coal technology
- 5 demonstration funding as of January 1, 1991 by the Department of Energy.
- 6 (c)(b) A permit application from a source pursuant to this subsection receives [that
- 7 satisfies this definition shall receive] expedited consideration by the cabinet and is
- 8 granted an extension under 42 U.S.C. 7651h.
- 9 (210)[(214)] "Responsible official" means:
- 10 (a) For a corporation: a president, secretary, treasurer, or vice-president of the
- 11 corporation in charge of a principal business function, or other person who performs
- 12 similar policy or decision-making functions for the corporation, or a duly-authorized
- 13 representative of that person if the representative is responsible for the overall operation
- 14 of one (1) or more manufacturing, production, or operating facilities applying for or
- 15 subject to a permit; and
- 16 1. The facilities employ more than 250 persons or have gross annual sales or
- 17 expenditures exceeding \$25,000,000 in second quarter 1980 dollars; or
- 18 2. The delegation of authority to the representative is approved in advance by the
- 19 <u>cabinet pursuant to this subsection;</u> [cabinet;]
- 20 (b) For a partnership or sole proprietorship, a general partner or the proprietor,
- 21 respectively;
- 22 (c) For a municipality, state, federal, or other public agency, a principal executive
- 23 officer or ranking elected official. The principal executive officer of a federal agency

- 1 includes the chief executive officer having responsibility for the overall operation of a
- 2 principal geographic unit of the agency; or
- 3 (d) For the acid rain portion of a permit for an affected source, the designated
- 4 representative.
- 5 (211)[(215)] "Run" means the net period of time, either intermittent or continuous
- 6 within the limits of good engineering practice, when an emission sample is collected.
- 7 (212)[(216)] "S" means at standard conditions.
- 8 (213)((217)) "sec" means second.
- 9 (214)[(218)] "Secondary emissions" means emissions that:
- (a) Occur as a result of the construction or operation of a major stationary source or
- 11 major modification, and do not come from the major stationary source or major
- 12 modification itself;
- 13 (b) Are specific, well defined, quantifiable, and impact the same general area as the
- 14 stationary source modification that causes the secondary emissions;
- 15 (c) Include emissions from an offsite support facility that would not otherwise be
- 16 constructed or increase its emissions as a result of the construction or operation of the
- 17 major stationary source or major modification; and
- 18 (d) Do not include emissions that come directly from a mobile source, including
- 19 emissions from the tailpipe of a motor vehicle, a train, or vessel.
- 20 (215)[(219)] "Serious nonattainment county" or "serious nonattainment area" means
- 21 a county or portion of a county designated serious nonattainment for the one (1) hour
- 22 national ambient air quality standard for ozone in 401 KAR 51:010.
- 23 (216)[(220)] "Severe nonattainment county" or "severe nonattainment area" means

- 1 a county or portion of a county designated severe nonattainment for the one (1) hour
- 2 national ambient air quality standard for ozone in 401 KAR 51:010.
- 3 (217)[(221)] "Shutdown" means the cessation of an operation.
- 4 (218)[(222)] "Significant" means:
- 5 (a) For 401 KAR 51:017, in reference to a net emissions increase or the potential of
- 6 a source to emit any of the pollutants listed in the following table, a rate of emissions
- 7 that would equal or exceed a corresponding rate listed in the table:

POLLUTANT	EMISSIONS RATE
Carbon monoxide	100 tons per year (tpy)
Ozone depleting substance	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy of particulate matter emissions
	15 tpy of PM ₁₀ emissions
Ozone	40 tpy of volatile organic compounds or
·	nitrogen oxides
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H ₂ S)	10 tpy
Total reduced sulfur	10 tpy
(including H₂S)	

Reduced sulfur	10 tpy
compounds (including H ₂ S)	
Municipal waste combustor	3.2 x 10 ⁻⁶ megagrams per year (Mg/y)
organics (measured as	(3.5 x 10 ⁻⁶ tpy)
total tetra- through octa-	
chlorinated dibenzo-p-	
dioxins and dibenzofurans)	
Municipal waste combustor	14 Mg/y (15 tpy)
metals (measured as	
particulate matter)	
Municipal waste combustor	36 Mg/y (40 tpy)
acid gases (measured as	
sulfur dioxide and	
hydrogen chloride)	
Municipal solid waste	35 Mg/y (50 tpy)
landfill emissions	
(measured as nonmethane	
organic compounds)	

(b) For 401 KAR 51:017, in reference to a net emissions increase or the potential of

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4 (c) For 401 KAR 51:017, in reference to an emissions rate or a net emissions

increase associated with a major stationary source or major modification, that is to be

a source to emit a regulated NSR pollutant that is not listed in the table in paragraph (a)

³ of this subsection, any emissions rate.

- 1 constructed within ten (10) kilometers of a Class I area, an impact on that area equal to
- 2 or greater than one (1) μg/m³ over a twenty-four (24) hour average.
- 3 (d) For 401 KAR 51:052, in reference to a net emissions increase or the potential of
- 4 a source to emit any of the pollutants listed in the following table, a rate of emissions
- 5 that would equal or exceed a corresponding rate listed in the table:

EMISSIONS RATE
100 tons per year (tpy)
100 tpy
40 tpy
40 tpy
40 tpy of volatile organic compounds or
nitrogen oxides
0.6 tpy

- (e) For 401 KAR 51:052, with the exception of the significant emissions rate for ozone in this subsection, significant means, in reference to an emissions increase or net emissions increase, a rate of emissions that exceeds the following:
- 9 <u>1. Twenty-five (25) tons per year of volatile organic compounds or nitrogen oxides</u>
- 10 <u>in a serious or severe ozone nonattainment area; or</u>

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- 2. Any increase in actual emissions of volatile organic compounds or nitrogen
 oxides in an extreme ozone nonattainment area.
- (f) For 401 KAR 51:052, with the exception of the significant emissions rate for carbon monoxide in this subsection, significant means, in reference to an emissions increase or net emissions increase, a rate of emissions of carbon monoxide that equals

- 1 or exceeds fifty (50) tons per year in a serious nonattainment area for carbon monoxide
- 2 in which a stationary source contributes significantly to carbon monoxide levels.
- 3 (219)[(223)] "Significant emissions increase" means, for a regulated NSR pollutant,
- 4 an increase in emissions that is equal to or greater than the emission level that is
- 5 significant for that pollutant.
- 6 (220)[(224)] "Significant emissions unit" means an emissions unit that emits or has
- 7 the potential to emit a PAL pollutant in an amount [that is] equal to or greater than the
- 8 applicable significant level as defined in [subsection (221) of] this section or in 42 U.S.C.
- 9 7401 to 7671g, whichever is lower for that PAL pollutant, but less than the amount that
- 10 would qualify the unit as a major emissions unit.
- 11 (221)[(225)] "Small emissions unit" means an emissions unit that emits or has the
- 12 potential to emit the PAL pollutant in an amount less than the PAL pollutant's applicable
- 13 significant level as defined in [subsection (220) of] this section; or in 42 U.S.C. 7401 to
- 14 7671q, whichever is lower.
- 15 (222)[(226)] "SO₂" means sulfur dioxide.
- 16 (223)[(227)] "Source" means one (1) or more affected facilities contained within a
- 17 given contiguous property line, which means the property is separated only by a public
- thoroughfare, stream, or other right of way.
- 19 (224)[(228)] "sq" means square.
- 20 (225)[(229)] "Stack or chimney" means a flue, conduit, or duct arranged to conduct
- 21 emissions to the atmosphere.
- 22 (226)[(230)] "Standard" means an emission standard, a standard of performance, or
- 23 an ambient air quality standard as promulgated in 401 KAR Chapters 50 to 65 [the

- 1 administrative regulations of the Division for Air Quality] or the emission control
- 2 requirements necessary to comply with 401 KAR Chapter 51.
- 3 (227)[(231)] "Standard conditions" means:
- 4 (a) For source measurements, twenty (20) degrees Celsius (sixty-eight (68) degrees
- 5 Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg).
- 6 (b) For air quality determinations, twenty-five (25) degrees Celsius (seventy-seven
- 7 (77) degrees Fahrenheit) and a reference pressure of 760 mm Hg (29.92 in. of Hg).
- 8 (228)[(232)] "Start-up" or "startup" means the setting in operation of an affected
- 9 facility.
- 10 (229)[(233)] "State implementation plan" or "SIP" means the most recently prepared
- 11 plan or revision required by 42 U.S.C. 7410 that has been approved by the U.S. EPA.
- 12 (230)[(234)] "Stationary source" means a building, structure, facility, or installation
- 13 that emits or may emit a regulated NSR pollutant.
- 14 (231)[(235)] "Submit" means to send or transmit a document, information, or
- 15 correspondence in accordance with an applicable requirement.
- 16 (232)[(236)] "TAPPI" means Technical Association of the Pulp and Paper Industry.
- 17 (233)[(237)] "Temporary clean coal technology demonstration project" means a
- 18 clean coal technology demonstration project [that is] operated for a period of five (5)
- 19 years or less and that complies with the Kentucky SIP and with other requirements
- 20 necessary to attain and maintain the national ambient air quality standards during and
- 21 after the project is terminated.
- 22 (234)[(238)] "Ton" or "tonnage" means, for a NOx budget source, a short ton or
- 23 2,000 pounds. For determining compliance with the NOx budget emissions limitation,

- 1 total tons for a control period is calculated as the sum of all recorded hourly emissions,
- 2 or the tonnage equivalent of the recorded hourly emissions rates, in accordance with 40
- 3 C.F.R. Part 96, Subpart H with any remaining fraction of a ton equal to or greater than
- 4 0.50 ton deemed to equal one (1) ton and any fraction of a ton less than 0.50 ton
- 5 deemed to equal zero tons.
- 6 (235)[(239)] "Total suspended particulates" or "TSP" means particulate matter as
- 7 measured by the method described in 40 C.F.R. Part 50, Appendix B.
- 8 (236)[(240)] "tpy" means tons per year.
- 9 (237)[(241)] "TSS" means total suspended solids.
- 10 (238)[(242)] "Uncombined water" means water that can be separated from a
- 11 compound by ordinary physical means and that is not bound to a compound by internal
- 12 molecular forces.
- 13 (239)[(243)] "Unit" means a fossil fuel-fired stationary boiler, combustion turbine, or
- 14 combined cycle system.
- 15 (240)[(244)] "Urban county" means a county that is a part of an urbanized area with
- 16 a population [ef] greater than 200,000 based upon the 1980 census. If a portion of a
- 17 county is [shall-be] a part of an urbanized area, then the entire county shall be classified
- as urban for 401 KAR Chapters 50 to 65 [the administrative regulations] of the Division
- 19 for Air Quality.
- 20 (241)[(245)] "Urbanized area" means an area defined by the U.S. Department of
- 21 Commerce, Bureau of Census.
- 22 (242)[(246)] "U.S. EPA" means the United States Environmental Protection Agency.
- 23 (243)((247)) "UTM" means Universal Transverse Mercator.

- 1 (244)[(248)] "Visibility impairment" means a humanly perceptible change in visibility
- 2 such as visual range, contrast, or coloration, from that which would have existed under
- 3 natural conditions.
- 4 (245)[(249)] "Volatile organic compound" or "VOC" is defined in 40 C.F.R.
- 5 51.100(s).
- 6 (246)[(250)] "yd" means yard.
- 7 Section 2. Incorporation by Reference. (1) The following material is incorporated by
- 8 reference:
- 9 (a) "Standard Industrial Classification Manual," [Manual,] 1987, as published by the
- 10 Office of Management and <u>Budget; and [Budget";</u>]
- 11 (b) ["40 C.F.R. Part 82, Appendix A to Subpart A of Part 82 Class I Controlled
- 12 Substances, as published in the Code of Federal Regulations, July 1, 2003"; and
- 13 (c) "40 C.F.R. Part 82, Appendix B to Subpart A of Part 82 Class II Controlled
- 14 Substances, as published in the Code of Federal Regulations, July 1, 2003".]
- 15 (2) This material may be inspected, copied or obtained, subject to applicable
- 16 copyright law, at the following main and regional offices of the Kentucky Division for Air
- 17 Quality during the normal working hours of 8 a.m. to 4:30 p.m., local time:
- 18 (a) Kentucky Division for Air Quality, 200 Fair Oaks Lane, 1st floor, [803 Schenkel
- 19 Lane,] Frankfort, Kentucky 40601-1403, (502) 564-3999; [(502) 573-3382;]
- 20 (b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky
- 21 41102, (606) 929-5285;
- 22 (c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green,
- 23 Kentucky 42104, (270) 746-7475;

- 1 (d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence,
- 2 Kentucky 41042, (859) 525-4923;
- 3 (e) Frankfort Regional Office, 643 Teton Trail, Suite B, Frankfort, Kentucky 40601.
- 4 (502) 564-3358;
- 5 (f)[(e)] Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701,
- 6 (606) 435-6022;
- 7 (g)[(f)] London Regional Office, 875 S. Main Street, London, Kentucky 40741,
- 8 (606) 330-2080;
- 9 (h)[(g)] Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700,
- 10 Owensboro, Kentucky 42303, (270) 687-7304; and
- 11 (i)[(h)] Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003,
- 12 (270) 898-8468; [(270) 898-8468; and
- 13 (i) Frankfort Regional Office, 643 Teton Trail, Suite-B, Frankfort, Kentucky 40601,
- 14 (502) 564-3358.]
- 15 (3)[(a)] The Standard Industrial Classification Manual is also available under Order
- 16 No. PB 87-100012 from the National Technical Information Service, 5285 Port Royal
- 17 Road, Springfield, Virginia 22161, phone (703) 487-4650.
- 18 [(b) Copies of the Code of Federal Regulations may be obtained from the
- 19 Superintendent of Documents, U.S. Government Printing Office, Attn: New Orders, P.O.
- 20 Box 371954, Pittsburgh, Pennsylvania 15250-7954, phone (202) 512-1800, fax (202)
- 21 512-2250.]

9/9/09

Leonard K. Peters, Secretary Energy and Environment Cabinet PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 28, 2009, at 10:00 a.m. (local time) in Conference Room 201 B on the first floor of the Division for Air Quality at 200 Fair Oaks Lane, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who wishes to be heard shall be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business on November 2, 2009. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person listed below.

The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing, may be made to the contact person at least five (5) workdays prior to the hearing.

CONTACT PERSON: Laura Lund, Environmental Technologist II, Division for Air Quality, 1st Floor, 200 Fair Oaks Lane, Frankfort, Kentucky 40601, telephone (502) 564-3999, ext. 4428, fax (502) 564-4666, and electronic mail Laura_Lund@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 401 KAR 51:001

Contact person: Laura Lund, Environmental Technologist II

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation defines the terms used in 401 KAR Chapter 51.
 - (b) The necessity of this administrative regulation: This administrative regulation defines the terms used in 401 KAR Chapter 51.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: The definitions contained in this administrative regulation are not more stringent or otherwise different than the corresponding federal definitions.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The definitions regulation assists the public and the regulated community by defining the terms used in 401 KAR Chapter 51.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This amendment revises the definitions to mirror amendments made at the federal level. It does not change the intent of the existing regulation.
 - (b) The necessity of the amendment to this administrative regulation: This amendment revises the definition of terms used in Kentucky's Prevention of Significant Deterioration (PSD) and New Source Review (NSR) regulations.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendments are based upon federal revisions affecting Kentucky's PSD and NSR regulations.
 - (d) How the amendment will assist in the effective administration of statutes: The amendments will provide the definitions of terms used in 401 KAR Chapter 51.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation. This regulation does not directly impact individuals, organizations, or state and local governments.
- (4) Provide an assessment of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This regulation does not directly impact individuals, organizations, or state and local governments.

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation does not directly impact individuals, organizations, or state and local governments.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs associated with this regulation.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no direct benefits related to this regulation.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: The Cabinet will not incur any additional costs for the implementation of this regulation.
 - (b) On a continuing basis: There will not be any additional continuing costs for the implementation of this regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Cabinet's current operating budget will be used for the implementation and enforcement of this regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. This regulation will not require an increase in fees or funding in order to implement its provisions.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This regulation does not establish, nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? No. Tiering is not applicable because this regulation provides the definitions of terms for 401 KAR Chapter 51 and imposes no requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

- Federal statute or regulation constituting the federal mandate. There is no federal mandate for this administrative regulation. However, recent changes in the federal PSD/NSR Program make it necessary to revise the regulation in order to ensure program parity.
- **2. State compliance standards**. The state compliance standards are found in KRS 224.10-100(5).
- 3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate for this regulation. However, changes in the federal definitions for this program necessitate changes in the state definitions.
- 4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This regulation imposes no requirements because it only provides definitions of terms used in 401 KAR Chapter 51.
- 5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The definitions contained in this administrative regulation are not more stringent or otherwise different than the corresponding federal definitions.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation #: 401 KAR 51:001

Contact person: Laura Lund, Environmental Technologist II

- 1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.
- 2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division for Air Quality implements this regulation.
- 3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100(5).
- 4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
- (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation generates no revenues.
- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation generates no revenues.
- (c) How much will it cost to administer this program for the first year? The Cabinet's existing operating budget continues as the source of funding to implement this regulation.
- (d) How much will it cost to administer this program for subsequent years? There are no direct costs associated with this regulation.
- Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no further explanation.